

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 579

Introduced by Assembly Member Melendez

February 20, 2013

An act to ~~amend~~ *add* Section ~~288.7~~ of 801.3 to the Penal Code, relating to sex offenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 579, as amended, Melendez. Sex offenses against children.

Existing law generally requires that prosecution for a felony be commenced within 3 years, and if that felony is punishable by imprisonment for 8 years or more, generally be commenced within 6 years. Existing law provides that a prosecution for a felony offense for certain sex offenses against a minor may be commenced any time prior to the victim's 28th birthday or within 10 years after commission of the offense, as specified.

This bill would provide that, except as specified, a prosecution may be commenced at any time for any violation of specified criminal offenses, including harboring a principal to a felony, intimidating a witness and conspiring to obstruct justice, if those offenses relate to a violation of various sex offenses, including rape and sodomy, in which the victim was a minor and the violation involved substantial sexual conduct.

Existing law provides that any person who is 18 years of age or older and who engages in sexual intercourse or sodomy with a child who is 10 years of age or younger is guilty of a felony and shall be punished by imprisonment in the state prison for a term of 25 years to life. Existing law provides that any person who is 18 years of age or older

~~and who engages in oral copulation or sexual penetration, as defined, with a child who is 10 years of age or younger is guilty of a felony and shall be punished by imprisonment in the state prison for a term of 15 years to life.~~

~~This bill would technical, nonsubstantive changes to those provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no.~~

~~State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 801.3 is added to the Penal Code, to read:
2 801.3. (a) Notwithstanding any other limitation of time
3 prescribed in this chapter, prosecution for any offense described
4 in subdivision (b) may be commenced at any time.
5 (b) This section applies to the following offenses:
6 (1) Any violation of Section 33 by a person described in Section
7 32, in which the person harbors, conceals, or aids any principal
8 to a felony violation of Section 261, 286, 288, 288.5, 288a, or 289
9 in which the victim was a minor and in which the violation involved
10 substantial sexual conduct, as described in subdivision (b) of
11 Section 1203.066, excluding mutual masturbation.
12 (2) Any violation of Section 136.1, if the victim or witness was
13 a victim of, or a witness to, any violation of Section 261, 286, 288,
14 288.5, 288a, or 289 in which the victim was a minor and in which
15 the violation involved substantial sexual conduct, as described in
16 subdivision (b) of Section 1203.066, excluding mutual
17 masturbation.
18 (3) Any violation of Section 139 in which the credible threat is
19 against the victim of, immediate family member of the victim, or
20 witness to, any violation of Section 261, 286, 288, 288.5, 288a, or
21 289 in which the victim was a minor and in which the violation
22 involved substantial sexual conduct, as described in subdivision
23 (b) of Section 1203.066, excluding mutual masturbation.
24 (4) Any violation of Section 140 in which the force or threat to
25 use force against a witness or victim involves a witness to, or victim
26 of, any violation of Section 261, 286, 288, 288.5, 288a, or 289 in
27 which the victim was a minor and in which the violation involved
28 substantial sexual conduct, as described in subdivision (b) of
29 Section 1203.066, excluding mutual masturbation.

1 (5) Any violation of Section 153 in which the crime compounded
2 or concealed is any violation of Section 261, 286, 288, 288.5, 288a,
3 or 289 in which the victim was a minor and in which the violation
4 involved substantial sexual conduct, as described in subdivision
5 (b) of Section 1203.066, excluding mutual masturbation.

6 (6) Any violation of Section 132 in which the book, paper,
7 document, record, or other instrument in writing forged or
8 fraudulently altered or antedated relates to evidence of a violation
9 of Section 261, 286, 288, 288.5, 288a, or 289 in which the victim
10 was a minor and in which the violation involved substantial sexual
11 conduct, as described in subdivision (b) of Section 1203.066,
12 excluding mutual masturbation.

13 (7) Any conspiracy to obstruct justice, in violation of paragraph
14 (5) of subdivision (a) of Section 182, in which the conspiracy to
15 obstruct justice involves obstruction of any investigation or trial
16 for any violation of Section 261, 286, 288, 288.5, 288a, or 289 in
17 which the victim was a minor and in which the violation involved
18 substantial sexual conduct, as described in subdivision (b) of
19 Section 1203.066, excluding mutual masturbation.

20 ~~SECTION 1. Section 288.7 of the Penal Code is amended to~~
21 ~~read:~~

22 ~~288.7. (a) Any person who is 18 years of age or older and who~~
23 ~~engages in sexual intercourse or sodomy with a child who is 10~~
24 ~~years of age or younger is guilty of a felony and shall be punished~~
25 ~~by imprisonment in the state prison for a term of 25 years to life.~~

26 ~~(b) Any person who is 18 years of age or older and who engages~~
27 ~~in oral copulation or sexual penetration, as defined in Section 289,~~
28 ~~with a child who is 10 years of age or younger is guilty of a felony~~
29 ~~and shall be punished by imprisonment in the state prison for a~~
30 ~~term of 15 years to life.~~